

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

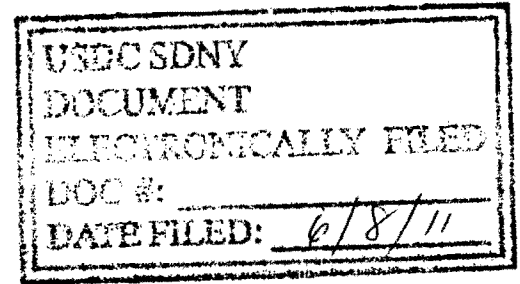
LUIS ROBERTO RAMOS,

Petitioner,

v.

UNITED STATES OF AMERICA,

Respondent.



07 Civ. 3574 (RO)

ORDER

OWEN, District Judge:

Petitioner's habeas corpus petition under 28 U.S.C. § 2255 was denied as time barred on September 24, 2009. (Docket Entry No. 3.) Petitioner appealed this decision to the United States Court of Appeals for the Second Circuit, and on March 18, 2010, the Court of Appeals issued a mandate in which it affirmed this Court's decision. (Docket Entry No. 8.) Petitioner then moved for reconsideration under Federal Rule of Civil Procedure 60(b)(6) for relief from this decision.

On September 15, 2010, this Court denied the motion, finding that Petitioner had failed to provide any new evidence or demonstrate that relief from the Court's prior order was warranted, and noting that relief may only be granted under Rule 60(b)(6) in "extraordinary circumstances." (Docket Entry No. 12.)

Petitioner then requested this Court issue a certificate of appealability to enable him to appeal this Court's denial of his 60(b)(6) motion. (Docket Entry No. 13.) Petitioner has failed to make a substantial showing of the denial of a constitutional right, and this Court finds that any

appeal would not be taken in good faith. *See* 28 U.S.C. § 2253(c)(2); *Lucidore v. N.Y. State Div. of Parole*, 209 F.3d 107, 112 (2d Cir. 2000).

Accordingly, Petitioner's motion requesting a certificate of appealability is hereby
DENIED.

SO ORDERED.

June 7, 2011



RICHARD OWEN
UNITED STATES DISTRICT JUDGE